

## DNA SAMPLES. COLLECTION. DATABASE. FUNDING. INITIATIVE STATUTE.

PROP

69

### ARGUMENT Against Proposition 69

Everyone recognizes the importance of expanding tools to find criminals, but Proposition 69 goes too far. *Proposition 69 risks your privacy.* Your DNA reveals the most intimate and sensitive information about you and your family. *Proposition 69 may put your DNA in a common government database alongside convicted killers and rapists.*

How could this happen? Because Proposition 69 would force many Californians *who have never committed a crime* to be included in a *criminal database*.

**INNOCENT PEOPLE ARE TREATED JUST LIKE CRIMINALS.**

*Every year in California, there are 50,000 arrests that never result in people being charged with a crime. Arrests might range from traffic stops to mistaken identity. Under Proposition 69, these people must provide a DNA sample. Everyone that is arrested for any felony whatsoever—even trespassing, shoplifting, or writing a bad check—is subject to DNA testing, sampling, and filing in criminal databases.*

California already requires the collection, testing, and storage of DNA from serious and violent felons, including kidnappers, rapists, murderers, and child molesters. Proposition 69 is a dangerous departure from current law because it would put innocent citizens in the same database as convicted criminals.

*Initiative Risks Your Privacy.*

Proposition 69 is contrary to California's tradition of legal protection of medical, financial, and personal privacy rights. Why? DNA is **FAR MORE THAN A FINGERPRINT**. Your DNA tells anyone who has this information whether you and your family are predisposed to contract diseases such as heart disease, obesity, Alzheimer's, multiple sclerosis, or cancer.

The "safeguards" in the initiative are inadequate to protect your privacy. Once you are in the database, government has no obligation to remove your profile. Restrictions and

enforcement necessary to protect you are not clearly spelled out in the initiative. Moreover, government databases grow and merge. There's no guarantee that these DNA databases will not be expanded in the future. The initiative allows DNA testing and sorting to be conducted by private laboratories. Do you feel confident that private, for-profit laboratories will protect your privacy rights?

**PROPOSITION 69 WILL COST MILLIONS.**

Proponents of Proposition 69 have hidden the real costs of this initiative. Proposition 69 has tens of millions of dollars of start-up costs and ongoing costs that may not be adequately funded by the initiative. To make up any shortfall, Proposition 69 could **TAKE MONEY FROM OTHER PUBLIC SAFETY, EDUCATION, and government programs**. Proposition 69 will cost millions of dollars for a DNA data bank that puts sensitive genetic information about innocent people alongside criminals.

This initiative allows for collection of Californians' most personal and revealing information, but it lacks government accountability if your DNA is mishandled or misused. Once your DNA is seized by the government, it will be filed alongside criminals. Proposition 69 violates the privacy rights of innocent Californians without necessary safeguards, privacy protection, and accountability to make sure government does its job right.

Vote NO on Proposition 69. This initiative goes too far and costs all of us too much.

BETH GIVENS, *Executive Director*  
*Privacy Rights Clearinghouse*

BOB BARR, *Chair*  
*Privacy & Freedom Center, American Conservative Union*

PAUL BILLINGS, *Chair*  
*Council for Responsible Genetics*

### REBUTTAL to Argument Against Proposition 69

Don't be fooled by deceptive attacks. Opponents cannot dispute that an all-felon DNA database makes California safer.

**FACT: 34 States Already Have All-Felon DNA Databases:**

WASHINGTON, OREGON, MONTANA, WYOMING, UTAH, COLORADO, ARIZONA, NEW MEXICO, SOUTH DAKOTA, KANSAS, TEXAS, MINNESOTA, IOWA, ARKANSAS, LOUISIANA, WISCONSIN, ILLINOIS, TENNESSEE, MISSISSIPPI, ALABAMA, GEORGIA, FLORIDA, NORTH CAROLINA, VIRGINIA, WEST VIRGINIA, MARYLAND, DELAWARE, NEW JERSEY, CONNECTICUT, MASSACHUSETTS, ALASKA, SOUTH CAROLINA, MISSOURI, AND MICHIGAN.

**FACT: DNA Is Required From Convicted Felons Only**

Only convicted felons are required to have DNA samples included in the database. DNA samples can be removed from the database if felony charges are exonerated.

**FACT: 69 Respects Privacy**

Analyzed DNA database samples *have no genetic trait information!* Medical/privacy rights are fully protected.

"Since criminal DNA databases were first created 14 years ago, privacy advocates have not found any instance where the databases or DNA samples were misused." *USA Today Editorial*

**FACT: 69 Delivers Justice**

"The chances of solving a rape or murder increase by 85% with an all-felon DNA database." *California State Sheriffs' Association President Robert Doyle*

"69 protects people from being falsely accused and destroying lives." *Defendants Rights Counsel Christopher Plourd*

**FACT: 69 Saves Taxpayers**

California taxpayer advocates strongly support Proposition 69 because it doesn't raise taxes and makes investigations efficient, preventing wasted time on false leads. Taxfighters agree 69 saves lives and money.

Sheriffs, police, victims, Governor Arnold Schwarzenegger, Democratic Attorney General Bill Lockyer, and Assemblyman Lou Correa, and Republican Assemblyman Todd Spitzer and State Senator Jim Brulte endorse nonpartisan 69. Learn more: [www.DNAYES.org](http://www.DNAYES.org)

**VOTE YES!**

DAVID W. PAULSON, *President*  
*California District Attorneys Association*

SCOTT CURRIE, *President*  
*California Sexual Assault Investigators Association*

JERRY ADAMS, *President*  
*California Peace Officer's Association*